

REMARKS

Claims 14-22, 27-29, 31, and 38-48 are currently pending and stand rejected. The prior Response to Final Office Action was entered but deemed not to place the application in condition for allowance as no claims were amended or cancelled therein.

Thus, Applicants herewith submit a Request for Continued Examination (RCE) along with the instant Preliminary Amendment and request entry and favorable consideration of both the RCE and the Preliminary Amendment.

Response to Advisory Action

Applicants inadvertently failed to redact reference to two references previously applied in rejecting the claims; namely, Webster and Simpson. This was merely clerical in nature and Applicants apologize if this failure caused any confusion. Applicants ask that the erroneous reference of Webster (first occurrence at page 8 of the Response) be changed to "the '338 patent to Brucker et al." Also, that paragraphs referencing Webster and Simpson be deleted in their respective entirety. Also the claims listed as rejected as allegedly anticipated by the '338 patent to Brucker inadvertently included "38-38" which of course have been set forth correctly as "38-48."

Independent claims 17, 27, and 38 are amended herewith. The instant Response is intended to place the application in condition for allowance and not to introduce new issues or require additional searching by the Examiner.

Applicants aver that no new matter has been introduced by way of the amendments set forth above and that the claimed subject matter is allowable over the art of record.

Claim Rejections under 35 U.S.C. §102

Claims 14-18, 22, 27-29, 31, and 38-48 stand rejected as allegedly anticipated by the '338 patent to Brucker et al. under 35 U.S.C. §102(b).

For ease of review of the independent claims (i.e., independent claims 14, 27, and 38) said claims are set forth below (as amended herewith) with certain text highlighted for ease of review by the Examiner.

Applicants respectfully assert that the '338 patent to Brucker et al. fails to meet the standard for a *prima facie* anticipation rejection and thus the rejection based solely upon the '338 patent to Brucker et al. must be withdrawn. That is, as to the pending (rejected) claims the rejection fails meet the threshold for a *prima facie* anticipation rejection.

Since each dependent claim depends from the above independent claims Applicants respectfully request that the rejection based solely upon the '338 patent to Brucker et al. be withdrawn.

Applicants respectfully assert that the '338 patent to Brucker et al. fails to disclose or depict at least the below-highlighted claim element(s) or features and thus the rejection founded solely upon the '338 patent to Brucker et al. should properly be withdrawn. That is, the '338 patent to Brucker et al. merely describes 0.005 millimeter (mm) to 0.02 mm "randomly formed path means" (column 6, line 37-38) that cannot be redefined as a "bore" having a "fluid outlet branch" or being formed at "an **acute** angle" relative to a longitudinal axis of a catheter as currently claimed per the amendments submitted herewith.

Also the '338 patent to Brucker et al. fails to disclose expressly or inherently the limitations relating to:

“one of a thermally insulating interior casing and a layer of a thermally poorly conductive material disposed within said at least one fluid outlet branch” (claim 14) or

“one of a thermally insulative layer of a material and a layer of a thermally poorly conductive material disposed within the at least one outlet opening to insulate at least a portion of said at least one outlet opening” (claim 27) or

“one of a thermally insulative layer of a material and a layer of a thermally poorly conductive material disposed within the at least one outlet opening to insulate at least a portion of said at least one outlet opening” (claim 38).

Thus, the rejection founded solely on the '338 patent to Brucker et al. should be withdrawn and the rejected claims allowed to pass to timely issuance as U.S. Letters Patent. Applicants set forth the amended independent claims below for the convenience of the Examiner (with emphasis and highlighting).

14. (Currently amended) A catheter comprising:
an elongate body having a longitudinal axis;
a unitary electrode having at least one bore formed through the electrode, wherein the unitary electrode couples to and is disposed at a distal end portion of the elongate body;
a conductive wire extending through said elongate body and electrically coupled to said unitary electrode; and
an irrigation channel extending through said elongate body and fluidly coupled to a proximal portion of the at least one bore,
wherein said at least one bore includes at least one fluid outlet branch coupling to a lateral side of the unitary electrode and said at least one fluid outlet branch includes one of a thermally insulating interior casing and a layer of a thermally poorly conductive material disposed within said at least one fluid outlet

branch and wherein the at least one fluid outlet branch is formed at an acute angle relative to the longitudinal axis.

27. (Currently amended) A catheter comprising:

an elongate body having a longitudinal axis;

a unitary electrode having a longitudinal axis disposed at a first end of the elongate body and having at least one outlet opening formed therethrough at an acute angle relative to the longitudinal axis;

at least one electrically conductive wire extending through said elongate body, said at least one electrically conductive wire coupled to said unitary electrode;

an irrigation channel extending through said elongate body and fluidly coupled to the at least one outlet opening, said channel configured to deliver a fluid through said elongated body from a remote source of fluid and into said at least one passageway; and

one of a thermally insulative layer of a material and a layer of a thermally poorly conductive material disposed within the at least one outlet opening to insulate at least a portion of said at least one outlet opening.

38. (Currently amended) A method, comprising:

deploying a unitary electrode body, having a longitudinal axis, coupled to a distal portion of an elongate flexible shaft into contact with a volume of a target tissue, wherein said unitary electrode body includes a longitudinal fluid passageway formed from a proximal end portion through to a less proximal surface portion and the fluid passageway couples to at least one outlet opening formed at an acute angle relative to the longitudinal fluid passageway;

measuring a temperature of said unitary electrode body with a temperature sensor coupled to the electrode body and spaced from the fluid passageway; and

dispensing fluid from a remote vessel through an irrigation channel within the elongate body fluidly coupled to said fluid passageway,

wherein at least a portion of an interior surface of said at least one outlet opening comprises a layer of a thermally insulative material.

Since neither reference applied discloses the highlighted claim elements and limitations they cannot fairly be said to negate patentability of the independent claims. Because all other pending claims depend, directly or indirectly, from these independent claims they too should be deemed patentable.

Entry of the instant Amendment and Response is earnestly solicited so that the pending claims may pass to timely issuance as U.S. Letters Patent.

Respectfully submitted,

Date: 15 December 2009

/Paul H. McDowall/
Paul H. McDowall
Registration No. 34,873
St. Jude Medical, Atrial Fibrillation
Division, Inc.
Customer No. 55714
Tel: (651) 756-3165